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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,969	07/03/2003	Mutsumi Yano	030744	4192
23850	7590	06/18/2004		EXAMINER
				NHU, DAVID
			ART UNIT	PAPER NUMBER
				2818

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/611,969	YANO ET AL.	
	Examiner David Nhu	Art Unit 2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 June 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 11-14 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTIONS

Election/Restrictions

1. *Applicant's election of Group I (Claims 1-10) in page No.6 is acknowledge. Claims 1-10 are remained for examination. Accordingly, claims 11-14 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.*

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 are rejected under 35 U.S.C. 102 (b) as being anticipated by Gerard J. Villani (3,597,664)

Regarding to claim 1, Gerard, (see figures 6, 7, col. 8, lines 7-21, lines 54-75) discloses an electrolytic capacitor comprising: an electrode 20 employing one type of an alloy selected from a group consisting of niobium alloy, titanium alloy, and tungsten alloy; wherein a dielectric layer 11 is formed on a surface of the electrode by anodizing the electrode.

Regarding claims 3-6, (see col. 1, lines 16-35, col. 2, lines 1-60, col. 7, 8, lines 1-75) also teach the niobium alloy employed as the electrode is formed by alloying niobium with at least one type of additional metal selected from a group consisting of aluminum, tungsten, molybdenum, zinc, zirconium...; the niobium alloy employed as the electrode contains aluminum, and the dielectric layer formed on a surface of the electrode contains niobium oxide and aluminum oxide; the titanium/tungsten alloy employed as the electrode is formed by

alloying titanium/tungsten with at least one type of additional metal selected from a group consisting of aluminum, zinc, zirconium...; the additional metal content of each alloy is in the range ..

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 7-10 are rejected under 35 U.S.C. 102 (b) as being anticipated by Phillips (4,633,373).

Regarding to claim 7, Phillips, (see figures , 1A, 1B, col. 4, lines 39-68, col. 7, lines 1-41) discloses an electrolytic capacitor comprising: an electrode 26 of mixed sinter of niobium and aluminum made by sintering mixed powder of niobium and aluminum; wherein a dielectric layer containing niobium oxide and aluminum oxide is formed on a surface of the electrode by anodizing the electrode.

Regarding claims 8-10, (see col. 3, lines 44-68, col. 4, lines 1-68) also teach the amount of aluminum; the electrode of niobium alloy and the dielectric layer formed on a surface of the electrode by anodizing the electrode.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Villani'124, Wong'857, Ue'661, Nakatani'921, Naito'858 are cited as of interest.
6. A shortened statutory period for response to this action is set to expired 3 (three) months

and 0 (zero) day from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see 710.02 (b)).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Nhu, (571)272-1792. The examiner can normally be reached on Monday-Friday from 7:30 AM to 5:00 PM. The examiner's supervisor, David Nelms can be reached on (571)272-1787.

The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956

David Nhu

BS



June 16, 2004